

IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 09/594,586
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Applicant: Joseph M. CANNON et al.
Group Art Unit: 2618
Examiner: Marceau Milord
Title: METHODS AND SYSTEMS FOR CONFIGURING
WIRELESS DEVICES
Attorney Docket: 129250-000910/US

APPELLANTS' BRIEF ON APPEAL (Corrected)

MAIL STOP APPEAL BRIEF - PATENTS

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TABLE OF CONTENTS

	<u>Page</u>
APPELLANTS' BRIEF ON APPEAL.....	1
I. REAL PARTY IN INTEREST	1
II. RELATED APPEALS AND INTERFERENCES	1
III. STATUS OF CLAIMS	1
IV. STATUS OF AMENDMENTS.....	1
V. SUMMARY OF CLAIMED SUBJECT MATTER.....	2
(i). Overview of the Subject Matter of the Independent Claims.....	2
(ii). The Remainder of the Specification Also Supports the Claims.....	2
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.....	3
VII. ARGUMENTS.....	3
A. The Section 103 rejections.....	3
VIII. CLAIMS APPENDIX.....	6
IX. EVIDENCE APPENDIX.....	9
X. RELATED PROCEEDING APPENDIX.....	9

APPELLANTS' BRIEF ON APPEAL

I. REAL PARTY IN INTEREST:

The real party in interest in this appeal is Lucent Technologies Inc. Assignment of the application was submitted to the U.S. Patent and Trademark Office and recorded at Reel 010917, Frame 0386.

II. RELATED APPEALS AND INTERFERENCES:

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS:

Claims 1-32 are pending in the application, with claims 1 and 17 being written in independent form. **Claims 33-62 have been canceled.**

Claims 1-32 were rejected under 35 USC §103 as allegedly being unpatentable over U.S. Patent No. 6,085,098 to Moon et. al. ("Moon") in view of U. S. Patent No. 5, 812,953 to Griffith et al ("Griffith"). Claims 1-32 are being appealed.

IV. STATUS OF AMENDMENTS:

A Request for Reconsideration ("Request") was filed on July 14, 2008. In an Advisory Action dated August 6, 2008 the Examiner stated that the Request was considered but did not place the application in condition for allowance.

V. SUMMARY OF CLAIMED SUBJECT MATTER:

(i). Overview of the Subject Matter of the Independent Claims

The present invention is directed at methods and related devices for configuring wireless devices. More specifically, independent claim 1 reads as follows (specification citations are in parenthesis):

1. A method for configuring a wireless device comprising:
accessing an Internet Protocol (IP)-based network (page 1, lines 1,2; page 5, lines 1-6; and page 7, lines 10-12);
displaying settings of a separate wireless device; and (page 5, lines 1-7)
transmitting selected settings to a wireless service provider via the IP-based network (page 5, line 21 to page 6, line 1; and page 7, lines 8,9).

Independent claim 17 reads as follows:

17. A system for configuring a wireless device comprising:
a configuration interface adapted to access an Internet Protocol (IP)-based network (page 1, lines 1,2; page 5, lines 1-6; and page 7, lines 10-12),
display settings of a separate wireless device (page 5, lines 1-7)**and to transmit selected settings to a wireless service provider** (page 5, line 21 to page 6, line 1; and page 7, lines 8,9).

In order to make the overview set forth above concise the disclosure that has been included, or referred to, above only represents a portion of the total disclosure set forth in the Specification that supports the independent claims.

(ii). The Remainder of the Specification Also Supports the Claims

The Appellants note that there may be additional disclosure in the Specification that also supports the independent and dependent claims.

Further, by including the specification citations in parenthesis above the Appellants do not represent that this is the only evidence that supports the independent claims nor do Appellants necessarily represent that these citations alone can be used to fully interpret the claims of the present invention. Instead, the citations provide background support as an overview of the claimed subject matter.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL:

Appellants seek the Board's review and reversal of the rejection of claims 1-32 under 35 USC §103 based on Moon in view of Griffith.

VII. ARGUMENTS:

A. The Section 103 Rejections

Claims 1-32 were rejected under 35 USC §103 as allegedly being unpatentable over U.S. Patent No. 6,085,098 to Moon et. al. ("Moon") in view of U.S. Patent No. 5,812,953 to Griffith et al ("Griffith"). Applicants respectfully disagree for at least the following reasons.

(i) The Final Office Action

Initially, Applicants note the acknowledgement by the Examiner in the Final Office Action that Moon does not disclose the step of "transmitting selected settings to a wireless service provider via [an] IP-based network." (see page 2 of the Office Action). To overcome these deficiencies, the Examiner relies on Griffith.

However, Griffith does not disclose the claimed transmissions. Rather, activation of a cell phone in Griffith may include the transmission of: (a) user responses to questions regarding activation, and (b) a user signature, from a user's cell phone or personal computer to a "customer activation center" ... via a Mobile Telephone Switching Office (MTSO) or the Public Switched Telephone Network (PSTN). Griffith's transmissions do not involve an IP-based network.

(ii) The Advisory Action

In the Advisory Action the Examiner appears to take the position that Moon does disclose the transmission of selected settings to a wireless service provider via an IP-based network, inopposite to his earlier position. In support of this position the Examiner states that since the device in Moon can be connected to the Internet it must use an Internet Protocol.

However, the claims are not directed at a device that is capable of being connected to the Internet. Rather, the claims are directed at the transmission of selected settings to a wireless service provider via [an] IP-based network. In Moon, the device sends information to an IP network via a wireless network; the reverse of the claims.

With respect to Griffith the Examiner takes the position that Griffith discloses a “cellular phone [that] could be [connected] via a local area network [LANs] accessing internet protocol network”, citing column 13, lines 26-47. However, there is no reference to an Internet Protocol within this section of Griffith nor to a service (web site, web page, email) that is commonly offered over an IP network. Further, a LAN is not a service that is commonly offered over an IP network.

(iii) The Combination of Moon and Griffith is Impermissible

Further, it is respectfully submitted that the combination of Moon and Griffith is impermissibly because such a combination would require the principle of operation of one or more of these references to be changed. For example, Griffith's principle of operation must be changed to provide a service that is commonly offered over an IP network. However, this would apparently destroy Griffith's principle of operation because it explicitly relies upon transmissions that are commonly offered over a cellular network (e.g., MTSO) or PSTN.

Accordingly, because neither Moon nor Griffith discloses or suggests a method for configuring a wireless device which comprises, among other things,

transmitting selected settings to a wireless service provider via an IP-based network, Applicants respectfully request withdrawal of the rejections and allowance of claims 1-32.

Conclusion:

Appellants respectfully request that members of the Board reverse the decision of the Examiner and allow claims 1-32.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. A method for configuring a wireless device comprising:
accessing an Internet Protocol (IP)-based network;
displaying settings of a separate wireless device; and
transmitting selected settings to a wireless service provider via the
IP-based network.
2. The method as in claim 1 further comprising transmitting
the substantially same settings to the separate wireless device.
3. The method as in claim 2 wherein the separate wireless
device comprises a cellular telephone.
4. The method as in claim 2 wherein the separate wireless
device comprises a cordless telephone.
5. The method as in claim 1 wherein displaying comprises
displaying the settings within a web page.
6. The method as in claim 1 wherein displaying comprises
displaying the settings within an e-mail menu.
7. The method as in claim 1 wherein displaying comprises
displaying the settings within a PDA menu.
8. The method as in claim 1 wherein displaying comprises
displaying the settings within a wireless device menu.
9. The method as in claim 2 wherein transmitting comprises
transmitting the selected settings according to a schedule.
10. The method as in claim 2 wherein transmitting comprises
repeatedly transmitting the selected settings until the separate wireless device
receives the transmission.
11. The method as in claim 2 wherein the selected settings are
transmitted to a separate wireless device identified by a wireless device
communications number.

12. The method as in claim 11 wherein the communications number comprises a telephone number.

13. The method as in claim 1 wherein the selected settings comprise an existing configuration.

14. The method as in claim 1 wherein the selected settings comprise a new configuration.

15. The method as in claim 1 wherein the selected settings comprise cellular telephone settings.

16. The method as in claim 1 wherein the selected settings comprise cordless telephone settings.

17. A system for configuring a wireless device comprising:
a configuration interface adapted to access an Internet Protocol (IP)-based network, display settings of a separate wireless device and to transmit selected settings to a wireless service provider.

18. The system as in claim 17 further comprising a wireless service provider adapted to transmit substantially the same selected settings to the separate wireless device.

19. The system as in claim 18 wherein the separate wireless device comprises a cellular telephone.

20. The system as in claim 18 wherein the separate wireless device comprises a cordless telephone.

21. The system as in claim 17 wherein the interface is adapted to display the settings within a web page.

22. The system as in claim 17 wherein the interface is adapted to display the settings within an e-mail menu.

23. The system as in claim 17 wherein the interface is adapted to display the settings within a PDA menu.

24. The system as in claim 17 wherein the interface is adapted to display the settings within a wireless device menu.

25. The system as in claim 18 wherein the provider is adapted to transmit the selected settings according to a schedule.

26. The system as in claim 18 wherein the provider is adapted to repeatedly transmit the selected settings until the separate wireless device receives the transmission.

27. The system as in claim 18 wherein the provider is adapted to transmit the selected settings to the separate wireless device upon receiving a wireless device communications number which identifies the wireless device.

28. The system as in claim 27 wherein the communications number comprises a telephone number.

29. The system as in claim 17 wherein the selected settings comprise an existing configuration.

30. The system as in claim 17 wherein the selected settings comprise a new configuration.

31. The system as in claim 17 wherein the selected settings comprise cellular telephone settings.

32. The system as in claim 17 wherein the selected settings comprise cordless telephone settings.

33. (Canceled).

34. (Canceled).

35. (Canceled).

36. (Canceled).

37. (Canceled).

38. (Canceled).

39. (Canceled).

40. (Canceled).

41. (Canceled).

42. (Canceled).

43. (Canceled).

- 44. (Canceled).
- 45. (Canceled).
- 46. (Canceled).
- 47. (Canceled).
- 48. (Canceled).
- 49. (Canceled).
- 50. (Canceled).
- 51. (Canceled).
- 52. (Canceled).
- 53. (Canceled).
- 54. (Canceled).
- 55. (Canceled).
- 56. (Canceled).
- 57. (Canceled).
- 58. (Canceled).
- 59. (Canceled).
- 60. (Canceled).
- 61. (Canceled).
- 62. (Canceled).

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.